Anwar et al v. Fairfield Greenwich Limited et al Doc. 54

UNITED STATES DISTRICT COURT

Southern District of New York

Inter-American Trust, et al.

V.

Fairfield Greenwich Group, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 09 CV 00301

TO: (Name and address of Defendant)

Fairfield Greenwich Advisors LLC
55 East 52nd Street, 33rd Floor
New York, NY 10055

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David Boies
Boies, Schiller & Flexner LLP
333 Main Street
Armonk, NY 10504

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

JAN 12 2009

DATE

Catherine Lapsley

(By) DEPUTY CLERK

Dockets.Justia.com

RETURN OF SERVICE

Service of the Summons and complaint was made by me[1]	DATE
NAME OF SERVER *(PRINT)*	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL $0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on ____________________ ______________________________
Date *Signature of Server*

____
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Blumbergs Law Products

B 151— Affidavit of Service of Summons or Subpoena: Personal or Alternative Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95

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COUNTY OF COURT UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 09 CV 00301

INTER-AMERICAN TRUST, ET AL.,

Plaintiff(s)

against

FAIRFIELD GREENWICH GROUP, ET AL.,

Defendant(s)

AFFIDAVIT OF SERVICE OF SUMMONS (AND COMPLAINT)

CIVIL COVER SHEET

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at EAST MEADOW, NEW YORK

That on 1/15/09 at 4:16P.M., at 55 EAST 52ND STREET, NEW YORK, NY

deponent served the within summons, *and complaint on* FAIRFIELD GREENWICH ADVISORS LLC defendant therein named, CIVIL COVER SHEET

INDIVIDUAL 1. ☐ by delivering a true copy *of each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION 2. ☒ a FOREIGN LIMITED LIABILITY COMPANY(LLC) ~~corporation~~ LLC, by delivering thereat a true copy *of each* to MICHAEL THORNE personally, deponent knew said ~~corporation~~ LLC so served to be the ~~corporation~~ LLC described in said summons as said defendant and knew said individual to be AUTHORIZED AGENT thereof.

SUITABLE AGE PERSON 3. ☐ by delivering thereat a true copy *of each* to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. 4. ☐ by affixing a true copy *of each* to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, OR 3 ☒

☒ Male	☒ White Skin	☐ Black Hair	☐ White Hair	☐ 14-20 Yrs.	☐ Under 5'	☐ Under 100 Lbs.
☐ Female	☐ Black Skin	☒ Brown Hair	☐ Balding	☐ 21-35 Yrs.	☐ 5'0"-5'3"	☐ 100-130 Lbs.
	☐ Yellow Skin	☐ Blonde Hair	☐ Mustache	☒ 36-50 Yrs.	☐ 5'4"-5'8"	☐ 131-160 Lbs.
	☐ Brown Skin	☐ Gray Hair	☐ Beard	☐ 51-65 Yrs.	☒ 5'9"-6'0"	☒ 161-200 Lbs.
	☐ Red Skin	☐ Red Hair	☐ Glasses	☐ Over 65 Yrs.	☐ Over 6'	☐ Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT. ☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE ☐ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient *wore ordinary civilian clothes and no military uniform.* The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 1/19/09

JOHN DICANIO
Notary Public, State of New York
No. 01DI4977768
Qualified in Westchester County
Commission Expires Feb. 11, 20[illegible]

PRINT NAME BENEATH SIGNATURE
JUAN D. AGUIRRE

License No. 843839

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.